

PATENT

Attorney Docket No. 7329/80454

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:

Group Art Unit: 1775

LYNCH

Application No. 10/611,548

Filed: July 2, 2003

For: FILM FORMING COATING COMPOSITION CONTAINING SURFACE
TREATED BARIUM SULFATE, AND METHODS OF USE

January 13, 2004

INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop **DD**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- (X) **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- () **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
 - () the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
 - or*
 - () the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- () **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- () **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

In re Appln. of LYNCH
Application No. 10/611,548

Non-English Language Patents, Publications, or other Information

- (x) In conformance with 37 CFR 1.98(a)(3)(i), a concise explanation of the relevance, as it is presently understood, of the listed Japanese published patent applications JP 5-112430, JP 8-215301, JP 8-268840, JP 9-3211, and JP 10-45523, listed on the enclosed Form 1449, is set forth in respective enclosed English-language abstracts therefor.
- () In conformance with 37 CFR 1.98(a)(3)(ii), a written English-language translation is enclosed for .

Copies of the References

- (X) Copies of the non-U.S. patent references listed on the enclosed Form 1449 are enclosed herewith.
- () A copy of the European Search Report is enclosed herewith.
- () The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- () The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign

In re Appln. of LYNCH
Application No. 10/611,548

patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☒ No fee is owed by the applicant(s).
☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$180.00.
☐ Charge Deposit Account No. 06-1135 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 06-1135. (A duplicate copy of this communication is enclosed for that purpose.)

In re Appln. of LYNCH
Application No. 10/611,548

Instructions as to Overpayment

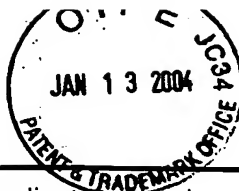
- (X) Credit Account No. 06-1135.
() Refund

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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PTO/SB/08A Substitute for Form PTO-1449 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number		10/611,548	
		Filing Date		February 2, 2003	
		First Named Inventor		LYNCH	
		Art Unit		1775	
		Examiner Name		Not Yet Assigned	
Sheet	1	of	2	Attorney Docket	7329/80454

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ²			
		US- 3,944,705	03/16/1976	Fujioka et al.	
		US- 4,250,074	02/10/1981	Foscante et al.	
		US- 4,263,051	04/21/1981	Crawford et al.	
		US- 4,505,755	03/19/1985	Shinozuka et al.	
		US- 4,551,497	11/05/1985	Shinozuka et al.	
		US- 4,818,614	04/04/1989	Fukui et al.	
		US- 5,393,437	02/28/1995	Bower	
		US- 5,401,570	03/28/1995	Heeks et al.	
		US- 6,194,070 B1	02/27/2001	Lynch et al.	
		US-			
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		US-			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵			
		JP 53-101038	09/04/1978	Minoru et al.	
		JP-5-112430	05/07/1993	Akihiro et al.	
		JP 8-215301	08/27/1996	Hiroto	
		JP 8-268840	10/15/1996	Hirotake et al.	
		JP 9-3211	01/07/1997	Kuniteru et al.	
		JP 10-45523	02/17/1998	Hiromitsu et al.	
		EP 0 716 350 B1	06/12/1996	Inaba et al.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.